



ZONING ADMINISTRATOR
NOTICE OF DECISION

Date: March 14, 2011
Applicant: Costco Wholesale, Inc.
Case No.: PCC-11-001
Address: 895 E "H" Street
Project Planner: Caroline Young

Notice is hereby given that on March 14, 2011, the Zoning Administrator considered Conditional Use Permit (CUP) application PCC-11-001, filed by Costco Wholesale, Inc. ("Applicant"), at 895 E "H" Street ("Project Site") and is owned by Costco Wholesale Corporation ("Property Owner"). The Applicant requests a CUP to construct an outdoor food service area and an addition to the building for a new dairy cooler. The Project Site is zoned Rancho Del Rey Planned Community (PC) and has a General Plan designation of Commercial Retail (CR). The Project is more specifically described as follows:

The Applicant requests approval of a Conditional Use Permit to construct a 1,332 square-foot outdoor food service area and a 1,656 square-foot addition to the building for a new dairy cooler to expand the supply of dairy products sold within the store. The existing food service area is currently located within the building and will be relocated outdoors to improve customer access. The expansion of a new dairy cooler located east of the new food service area will improve sales of dairy products.

The site is located in the Rancho Del Rey Planned Community, and is designated as a "Commercial District"(C-1) District by the Rancho Del Rey Sectional Planning Area (SPA). Pursuant to Sections IX-B.1 of the Rancho Del Rey Planned Community District Regulations, warehouse type sale of goods and uses, such as a "Costco Warehouse", are permitted uses upon approval of a Conditional Use Permit.

The Environmental Review Coordinator has reviewed the proposed project for compliance with the California Environmental Quality Act and has determined that the proposed project qualifies for a categorical exemption pursuant to Section 15301, Class 1(e)(2), existing facilities of the State CEQA Guidelines. Thus no further environmental review is necessary.

The Zoning Administrator, under the provisions of Section 19.14.030.A of the Chula Vista Municipal Code and the Rancho Del Rey SPA plan has been able to make the conditional use permit findings as required by CVMC Section 19.14.080:

1. **That the proposed use at this location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or community.**

The proposed outdoor food service area and dairy cooler addition to the building will provide necessary and desirable service by improving customer access to the food service area and improve the sales of dairy products by adding an additional dairy cooler. Thus, this facility and the services it provides will contribute to the general well being of the neighborhood and the community.

2. **That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.**

The proposed use will not be detrimental to the health, safety or general welfare of the residents or workers nor to property or improvements in the area. The characteristics of the proposed use and its operation do not have features that could have detrimental effects. The use will be subject to meeting all health, safety and general welfare standards and regulations set forth by the City Of Chula Vista.

3. **That the use will comply with the regulations and conditions specified in the code for such use.**

The granting of this Conditional Use Permit is conditioned to require the Applicant and Property Owner to fulfill its conditions of approval and to comply with all applicable regulations and standards specified in the Municipal Code, and the California Building, Fire and other applicable codes, for such use. These conditions will be enforced through building plan review, inspections prior to occupancy of the use and subsequent operation of the business. Furthermore, the conditions of this permit are approximately in proportion to the nature and extent of the impact created by the project in that the conditions imposed are directly related to, and of a nature and scope related to the size and impact of the project. The project will comply with all regulations and conditions specified in the Zoning Code for uses established under PCC-11-001.

4. **That the granting of the Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any governmental agency.**

The General Plan designates the site as Commercial Retail. This finding is met because the operation of the Project, as approved by a Conditional Use Permit pursuant to the Rancho Del Rey Sectional Planning Area (SPA) Plan, is consistent with Commercial District (C-1) permitted land uses. Thus, the proposed project is consistent with the Commercial Retail (CR) General Plan land use designation and will not adversely affect implementation of the General Plan.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-11-001 as described above subject to the following conditions of approval:

- I. Prior to the approval by the City of Chula Vista for the use of the subject property in reliance upon this approval, the Applicant shall satisfy the following requirement:**

Planning Division

1. Prior to the approval by the City of Chula Vista for the use the subject property in reliance on this approval, the Applicant/Representative and Property Owner shall execute this document by making a true copy of this letter of conditional approval and signing both this original Notice of Decision and the copy on the lines provided below, said execution indicating that the Applicant/Representative and Property Owner have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 Days of the effective date herein shall indicate the Applicant/Representative and Property Owner's desire that the project, and corresponding application for building/grading permits and/or business license, be held in abeyance without approval.

Signature of Applicant/Authorized Representative

Date

Signature of Property Owner

Date

Fire Department

2. Deferred submittal will be required for any modifications to the automatic sprinkler system and fire alarm system. Plans shall be submitted to the Fire Department for approval prior to any modifications to the system.
3. The Project shall comply with California Fire Code Chapter 14, "Fire Safety During Construction and Demolition".
4. Commercial cooking equipment that produces grease laden vapors shall be provided with a Type I hood and an automatic fire extinguisher system that is listed and labeled for its intended use.
5. The Applicant shall provide one (1) serviced fire extinguisher, and show the location on the plan. Minimum required is 2:A-10:B:C

Land Development Division

6. The following fees will be required based on the final Building Plans submitted:
 - Sewer Capacity Fee
 - Traffic Signal Fee
7. The Applicant shall be required to obtain a construction permit from the Development Services Department to perform all work in the City's right-of-way, including:
 - Removal and replacement of any broken curb, gutter or sidewalk as determined by the City Engineer prior to DRC approval.
 - Removal and replacement of any sidewalks, pedestrian ramps, and driveways that do not meet the City of Chula Vista's Design Standards and ADA requirements.
 - Any proposed improvements within the City Of Chula Vista Right of Way.
 - Replacement of vitrified clay pipe laterals with PVC, regardless of its condition, to the satisfaction of the Director of Public Works.
 - Street lights as determined by the City Engineer.

Public Works Department

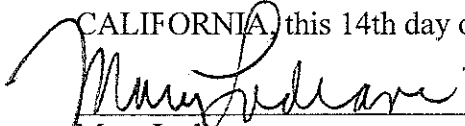
8. The Applicant shall provide a memo to the City (signed and stamped by a registered Civil Engineer demonstrating the net change in flows per City's Subdivision Manual. Additional flows may pay capacity fees per the Master Schedule.
9. The plans shall show the sewer lateral serving the existing Costco building connecting to the existing 10-inch public sewer main.
10. The Applicant shall follow the Public Works Operations recommendation for connecting to existing public main and possible manhole requirements. The existing 10-inch PVC sewer main needs to be labeled as "public".
11. The new grease trap interceptor shall be reviewed and approved by the City's Conservation Coordinator.

II. The following on-going conditions shall apply to the Project as long as it relies upon this approval.

1. The Applicant shall maintain the Project in accordance with the approved plans for PCC-11-001, date stamped on January 6, 2011, which includes a site plan and floor plan on file in the Planning Division, the conditions contained herein, and Title 19.

2. Approval of this Project shall not waive the Applicant's responsibility to comply with all sections of Title 19 of the CVMC, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Conditional Use Permit.
3. The Applicant shall execute this Conditional Use Permit as the authorized use only. Any new use or modification/expansion of uses shall be subject to the review and approval of the Zoning Administrator.
4. The Applicant/Representative and Property Owner shall and does hereby agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Conditional Use Permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein, and Applicant/operator shall acknowledge their agreement to this provision by executing a copy of this Conditional Use Permit where indicated below. The Applicant/Representative and Property Owner's compliance with this provision is an express condition of this Conditional Use Permit and shall be binding on any and all of Applicant/Operator's successors and assigns.
5. Any violations of the terms and conditions of this permit may result in the imposition of civil or criminal penalties and/or the revocation or modification of this permit.
6. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. Applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, this 14th day of March 2011.



Mary Ladana
Zoning Administrator